



General Assembly

Amendment

January Session, 2015

LCO No. 8532



Offered by:

REP. COOK, 65th Dist.
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To: House Bill No. **7047**

File No. 775

Cal. No. 504

***"AN ACT CONCERNING RETENTION OF THE COPARTICIPANT
OPTION UNDER THE TEACHERS' RETIREMENT SYSTEM AFTER
DIVORCE, ELIMINATING THE CAP ON PROFESSIONAL FEES
PAID OUT OF THE RETIRED TEACHERS' HEALTH INSURANCE
PREMIUM ACCOUNT, CEASING THE CREDITING OF INTEREST
ON UNCLAIMED CONTRIBUTIONS FOR INACTIVE MEMBERS OF
THE TEACHERS' RETIREMENT SYSTEM AND ELIMINATING
CERTAIN OBSOLETE LANGUAGE."***

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsections (c) and (d) of section 10-151 of the general
4 statutes are repealed and the following is substituted in lieu thereof
5 (*Effective July 1, 2015*):

6 (c) The contract of employment of a teacher who has not attained
7 tenure may be terminated at any time for any of the reasons

8 enumerated in subdivisions (1) to (6), inclusive, of subsection (d) of
9 this section; otherwise the contract of such teacher shall be continued
10 into the next school year unless such teacher receives written notice by
11 May first in one school year that such contract will not be renewed for
12 the following year, provided the reason is not loss of a position to
13 another teacher who is a teacher described in section 10-183v. Upon
14 the teacher's written request, not later than three calendar days after
15 such teacher receives such notice of nonrenewal or termination, a
16 notice of nonrenewal or termination shall be supplemented not later
17 than four calendar days after receipt of the request by a statement of
18 the reason or reasons for such nonrenewal or termination. Such
19 teacher, upon written request filed with the board of education not
20 later than ten calendar days after the receipt of notice of termination,
21 or nonrenewal shall be entitled to a hearing, except as provided in this
22 subsection, (1) before the board, or (2) if indicated in such request and
23 if designated by the board, before an impartial hearing officer chosen
24 by the teacher and the superintendent in accordance with the
25 provisions of subsection (d) of this section. Such hearing shall
26 commence not later than fifteen calendar days after receipt of such
27 request unless the parties mutually agree to an extension not to exceed
28 fifteen calendar days. The impartial hearing officer or a subcommittee
29 of the board of education, if the board of education designates a
30 subcommittee of three or more board members to conduct hearings,
31 shall submit written findings and recommendations to the board for
32 final disposition. The teacher shall have the right to appear with
33 counsel of the teacher's choice at the hearing. A teacher who has not
34 attained tenure shall not be entitled to a hearing concerning
35 nonrenewal if the reason for such nonrenewal is either elimination of
36 position or loss of position to another teacher. The board of education
37 shall rescind a nonrenewal decision only if the board finds such
38 decision to be arbitrary and capricious. Any such teacher whose
39 contract is terminated for the reasons enumerated in subdivisions (3)
40 and (4) of subsection (d) of this section shall have the right to appeal in
41 accordance with the provisions of subsection (e) of this section.

42 (d) The contract of employment of a teacher who has attained tenure
43 shall be continued from school year to school year, except that it may
44 be terminated at any time for one or more of the following reasons: (1)
45 Inefficiency, incompetence or ineffectiveness, provided, if a teacher is
46 notified on or after July 1, 2014, that termination is under consideration
47 due to incompetence or ineffectiveness, the determination of
48 incompetence or ineffectiveness is based on evaluation of the teacher
49 using teacher evaluation guidelines established pursuant to section 10-
50 151b; (2) insubordination against reasonable rules of the board of
51 education; (3) moral misconduct; (4) disability, as shown by competent
52 medical evidence; (5) elimination of the position to which the teacher
53 was appointed or loss of a position to another teacher who is not a
54 teacher described in section 10-183v, if no other position exists to
55 which such teacher may be appointed if qualified, provided such
56 teacher, if qualified, shall be appointed to a position held by a teacher
57 who has not attained tenure, and provided further that determination
58 of the individual contract or contracts of employment to be terminated
59 shall be made in accordance with either (A) a provision for a layoff
60 procedure agreed upon by the board of education and the exclusive
61 employees' representative organization, or (B) in the absence of such
62 agreement, a written policy of the board of education; or (6) other due
63 and sufficient cause. Nothing in this section or in any other section of
64 the general statutes or of any special act shall preclude a board of
65 education from making an agreement with an exclusive bargaining
66 representative which contains a recall provision. Prior to terminating a
67 contract, the superintendent shall give the teacher concerned a written
68 notice that termination of such teacher's contract is under
69 consideration and give such teacher a statement of the reasons for such
70 consideration of termination. Not later than ten calendar days after
71 receipt of written notice by the superintendent that contract
72 termination is under consideration, such teacher may file with the local
73 or regional board of education a written request for a hearing. A board
74 of education may designate a subcommittee of three or more board
75 members to conduct hearings and submit written findings and
76 recommendations to the board for final disposition in the case of

77 teachers whose contracts are terminated. Such hearing shall commence
78 not later than fifteen calendar days after receipt of such request, unless
79 the parties mutually agree to an extension, not to exceed fifteen
80 calendar days (A) before the board of education or a subcommittee of
81 the board, or (B) if indicated in such request or if designated by the
82 board before an impartial hearing officer chosen by the teacher and the
83 superintendent. If the parties are unable to agree upon the choice of a
84 hearing officer not later than five calendar days after the decision to
85 use a hearing officer, the hearing officer shall be selected with the
86 assistance of the American Arbitration Association using its expedited
87 selection process and in accordance with its rules for selection of a
88 neutral arbitrator in grievance arbitration. If the hearing officer is not
89 selected with the assistance of such association after five days, the
90 hearing shall be held before the board of education or a subcommittee
91 of the board. When the reason for termination is incompetence or
92 ineffectiveness, the hearing shall (i) address the question of whether
93 the performance evaluation ratings of the teacher were determined in
94 good faith in accordance with the program adopted by the local or
95 regional board of education pursuant to section 10-151b and were
96 reasonable in light of the evidence presented, and (ii) be limited to
97 twelve total hours of evidence and testimony, with each side allowed
98 not more than six hours to present evidence and testimony except the
99 board, subcommittee of the board or impartial hearing officer may
100 extend the time period for evidence and testimony at the hearing when
101 good cause is shown. Not later than forty-five calendar days after
102 receipt of the request for a hearing, the subcommittee of the board or
103 hearing officer, unless the parties mutually agree to an extension not to
104 exceed fifteen calendar days, shall submit written findings and a
105 recommendation to the board of education as to the disposition of the
106 charges against the teacher and shall send a copy of such findings and
107 recommendation to the teacher. The board of education shall give the
108 teacher concerned its written decision not later than fifteen calendar
109 days after receipt of the written recommendation of the subcommittee
110 or hearing officer. Each party shall share equally the fee of the hearing
111 officer and all other costs incidental to the hearing. If the hearing is

112 before the board of education, the board shall render its decision not
113 later than fifteen calendar days after the close of such hearing and shall
114 send a copy of its decision to the teacher. The hearing shall be public if
115 the teacher so requests or the board, subcommittee or hearing officer
116 so designates. The teacher concerned shall have the right to appear
117 with counsel at the hearing, whether public or private. A copy of a
118 transcript of the proceedings of the hearing shall be furnished by the
119 board of education, upon written request by the teacher within fifteen
120 days after the board's decision, provided the teacher shall assume the
121 cost of any such copy. Nothing herein contained shall deprive a board
122 of education or superintendent of the power to suspend a teacher from
123 duty immediately when serious misconduct is charged without
124 prejudice to the rights of the teacher as otherwise provided in this
125 section."

This act shall take effect as follows and shall amend the following sections:

Sec. 501	<i>July 1, 2015</i>	10-151(c) and (d)
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